

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

-----X  
DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

-against-

MEDICAL MARIJUANA, INC.,  
DIXIE ELIXIRS AND EDIBLES,  
RED DICE HOLDINGS, LLC, and  
DIXIE BOTANICALS,

Defendants,  
-----X

Civil Action No:  
15-cv-701 FPG/MJR

***NOTICE OF MOTION***

PLEASE TAKE NOTICE that pursuant to FRCP 60(b); and upon the Declaration and Memorandum of Law of counsel dated September 15, 2020, the Affidavit of Kenneth Graham, Ph.D. and all Exhibits, papers and proceedings herewith and heretofore had herein, Plaintiff will move this Court before the Hon. Frank P. Geraci, Jr. United States District Judge at the U.S. Courthouse, 2 Niagara Square Buffalo, New York 14202 for an Order pursuant to F.R.C.P. 60(b)(1), (2) and (6) granting Plaintiff's Motion for relief from the Court's Order of November 21, 2019 at Doc #124 and *in Limine* to allow Plaintiff to offer evidence at trial that the product at issue was a controlled substance, along with such other and further relief as this Court deems just proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Court Rules, answering/reply affidavits, if any, are required served to the undersigned within fourteen (14) days.

Dated: New York, New York  
September 15, 2020

Respectfully Submitted,  
BENJAMIN ♦ HART, P.C.

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